



UNITED STATES PATENT AND TRADEMARK OFFICE

57
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,281	12/12/2001	Michael Wayne Brown	AUS920010819US1	7038

34533 7590 08/25/2005

INTERNATIONAL CORP (BLF)
c/o BIGGERS & OHANIAN, LLP
P.O. BOX 1469
AUSTIN, TX 78767-1469

EXAMINER

ELAHEE, MD S

ART UNIT	PAPER NUMBER
----------	--------------

2645

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,281

Applicant(s)

BROWN ET AL.

Examiner

Md S. Elahee

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21, 52 and 53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21, 52 and 53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Reopening of Prosecution-New ground of Rejection After Appeal

1. In view of the appeal Brief filed on 05/25/05, PROSECUTION IS HEREBY REOPENED. The rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 52 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 52, the phrase "said telephony device" in line 7 of the claim is indefinite. Because, the two phrases 'a caller at a telephony device' and 'an individual with access to said telephony device' are confusing. In light of applicant's specification, a caller at a telephony device and a callee at a telephony device do not appear to share the same telephony device. However, the claim indicates that the same device is used for both parties.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3-5, 7, 10, 12-14, 16, 18, 20, 21 and 52 are rejected under 35 U.S.C. 102(b) as being anticipated by McAllister et al. (U.S. Patent No. 6,038,305).

Regarding claim 1, McAllister teaches receiving speech [i.e., a voice utterance] for a caller at the IP23 [i.e., server] external to the trusted telephone network (fig.4A, 4B; col.13, lines 22-41, col.19, lines 49-67, col.20, lines 1-12, 22-29). (Note: trusted telephone network includes central office 11 and SS7 network (see fig.1, col.11, line 62))

McAllister further teaches a caller ID [i.e., identity] associated with the speech at the IP23, such that the caller ID is transmittable within the trusted telephone network as an authenticated identity of the caller for a call (fig.4A, 4B; col.13, lines 22-41, col.19, lines 49-67, col.20, lines 1-12, 22-29, col.21, lines 30-50).

Regarding claims 3 and 12, McAllister teaches receiving, at the IP23, a request for a caller identity from the trusted telephone network (fig.4A; col.19, lines 49-64).

McAllister further teaches prompting the caller to provide the speech (col.19, lines 49-67, col.20, lines 1-3).

Regarding claims 4, 13 and 21, McAllister teaches extracting certain characteristic information [i.e., speech characteristics] from the speech [i.e., voice utterance] (col.13, lines 22-41, col.20, lines 22-29).

Art Unit: 2645

McAllister further teaches comparing the extracted characteristic information with a stored pattern information [i.e., plurality of voice samples stored] for identifying a caller [i.e., plurality of callers] (col.13, lines 22-41, col.20, lines 22-29).

Regarding claims 5 and 14, McAllister teaches the trusted telephone network comprising a plurality of subscriber telephone stations (fig.1).

Regarding claim 7, McAllister teaches accessing the IP23 from the trusted telephone network through a TCP/IP network 27 [i.e., Internet connection] (fig.1; col.19, lines 49-52).

Regarding claim 10 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, McAllister teaches the IP23 communicatively connected to a trusted telephone network by a TCP/IP network 27 [i.e., external network] (fig.1; col.19, lines 49-52).

Regarding claim 16, McAllister teaches that the external network is the internet (fig.1).

Regarding claims 18 and 20 are rejected for the same reasons as discussed above with respect to claim 10. Furthermore, McAllister teaches recording medium (col.20, lines 13-21).

McAllister further teaches controlling transmission of the caller identity to the trusted telephone network as an authenticated identity of the caller for a call (col.21, lines 30-50).

Regarding claim 52, McAllister teaches receiving, from a trusted telephone network, a caller identity [i.e., authenticated caller identity] for a caller at a telephony device wherein the caller identity is identified [i.e., authenticated] at a speaker identification/verification (SIV) service [i.e., authentication service] accessible via a network external to the trusted telephone network, wherein the trusted telephone network initiates the speaker identification/verification (SIV) service [i.e., authentication service] (fig.4A, 4B; col.13, lines 22-41, col.19, lines 49-67, col.20, lines 1-12, 22-29, col.21, lines 30-50).

Art Unit: 2645

McAllister further teaches controlling output of the caller identity from the telephony device, such that the called party [i.e., individual] with access to the telephony device is informed of the identity of the caller (fig.4A, 4B; col.13, lines 22-41, col.19, lines 49-67, col.20, lines 1-12, 22-29, col.21, lines 30-50).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 9, 11, 19 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAllister et al. (U.S. Patent No. 6,038,305) in view of Zirngibl et al. (U.S. Pub. No. 2005/0141679).

Regarding claims 2 and 11, McAllister teaches receiving speech [i.e., a voice utterance] through a connection between the IP23 and the trusted telephone network (fig.1; col.13, lines 22-41, col.19, lines 49-67).

However, McAllister does not specifically teach “a secure channel”. Zirngibl teaches a secure channel (page 13, paragraph 0196). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McAllister to incorporate a secure channel as taught by Zirngibl. The motivation for the modification is to have doing so in order to provide a secure exchange of data between two communication entities.

Regarding claims 9 and 19 are rejected for the same reasons as discussed above with respect to claim 2. Furthermore, McAllister teaches transferring the caller identity to the trusted telephone network through a connection (fig.1; col.21, lines 30-50).

Regarding claim 53 is rejected for the same reasons as discussed above with respect to claim 2. Furthermore, McAllister teaches receiving, at a telephony device, connection via a trusted telephone network to a speaker identification/verification (SIV) service [i.e., authentication service], wherein the trusted telephone network initiates the speaker identification/verification (SIV) service [i.e., authentication service] (fig.4A, 4B; col.13, lines 22-41, col.19, lines 49-67, col.20, lines 1-12, 22-29, col.21, lines 30-50).

McAllister further teaches facilitating, from the telephony device, communications between the speaker identification/verification (SIV) service [i.e., authentication service] and a caller such that the speaker identification/verification (SIV) service [i.e., authentication service] is enabled to identify [i.e., authenticate] an identity of the caller (fig.4A, 4B; col.13, lines 22-41, col.19, lines 49-67, col.20, lines 1-12, 22-29, col.21, lines 30-50).

8. Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAllister et al. (U.S. Patent No. 6,038,305) in view of McAllister et al. (U.S. Patent No. 6,442,242).

Regarding claims 6 and 15, McAllister'305 does not specifically teach "private switching system". McAllister'242 teaches a private automatic branch exchange [i.e., private switching system] (fig.1; col.4, lines 44-49). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McAllister'305 to incorporate a secure

Art Unit: 2645

channel as taught by McAllister'242. The motivation for the modification is to have doing so in order to make use of private lines over carrier transmission facilities.

9. Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAllister et al. (U.S. Patent No. 6,038,305) in view of Yoon et al. (U.S. Pub. No. 2001/0047414).

Regarding claim 8, McAllister does not specifically teach "accessing said server from said trusted telephone network through a private network connection". Yoon teaches accessing the IP from the PSTN network through a dedicated private network (abstract; fig.2; page no.4, paragraph 0073; 'IP' reads on the claim 'server', 'PSTN network' reads on the claim 'trusted telephone network' and 'dedicated private network' reads on the claim 'private network connection'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McAllister to allow accessing the server through a private network connection as taught by Yoon. The motivation for the modification is to have the private network connection in order to make use of private lines over carrier transmission facilities.

Regarding claim 17, McAllister does not specifically teach "external network is a private network". Yoon teaches that external network is a dedicated private network (abstract; fig.2; page no.4, paragraph 0073; 'dedicated private network' reads on the claim 'private network'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McAllister to allow external network as a private network connection as taught by Yoon. The motivation for the modification is to have the private network connection in order to make use of private lines over carrier transmission facilities.

Art Unit: 2645

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gutzmann (U.S. Patent No. 6,327,347) teach Calling party identification authentication and routing in response thereto, Curry et al. (U.S. Patent No. 6,233,234) teach Secure LAN/Internet telephony and Farris et al. (U.S. Patent No. 5,953,399) teach PBX selective caller identification authentication.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.E.

MD SHAFIUL ALAM ELAHEE
August 12, 2005

Allan Hoosain
ALLAN HOOSAIN
PRIMARY EXAMINER for

Fan Tsang